

**CITY COUNCIL MEETING AND PUBLIC HEARING
CONWAY CITY COUNCIL
CITY HALL COUNCIL CHAMBER
1001 3RD AVENUE
CONWAY, SOUTH CAROLINA
MONDAY -AUGUST 27, 2007 - 5:30 P.M.
MINUTES**

PRESENT: Gregory K. Martin, Mayor ; Irby L. Koon, Mayor Pro Tem; Vivian E. Chestnut, Alys C. Lawson, Jean M. Timbes, Randle L. Alford, and Thomas J. Anderson II.

STAFF: Bill Graham, City Administrator; Barbara Blain-Olds, Assistant Administrator; Greg Richardson, Special Projects Coordinator; Reggie Gosnell, Chief of Police; Wanda Lilly, City Arborist; Timmy Williams, Beautification Dept. Director; Freddie DuBose, Director of Public Utilities; Joe Henderson, Zoning Administrator; David Williams, Assistant Parks and Recreation Director; Billy Joe Sawyer, Building Official; Michael Hardee, Finance Director; Darrell McDowell, Fire Chief; Jerry R. Barnhill, Public Works Director; Larry Schilling, Director of Grants and Procurement; Christopher Williamson, Police Department; Danny Kennedy, Public Utilities; Lois K. Roberts, Executive Secretary

OTHERS IN ATTENDANCE:

Stan Godshall, Steve Stergwell, Mark Nessahound, Felix Pitts, Barry Dennis, Ashley Davies, Buck Ricks, Tripp and Julie Nealy, Jimmy Day, Hugh Archer and George Bullock, The Cypress Inn; Rick Astle, J. Marshall Biddle, Tonya Root, Sun News; Kathy Ropp, Horry Independent and other interested citizens.

CALL TO ORDER:

Mayor Martin called the Council meeting to order at 5:30 p.m

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Martin welcomed Rick Astle, Director of Missions for the Waccamaw Baptist Association and asked him to give the invocation. City Council and others in attendance recited the Pledge of Allegiance.

PRESENTATIONS

A. Longevity Bonus Awards

City Administrator Bill Graham and Council member Irby Koon presented the Longevity Bonus Awards and congratulated the following employees:

Christopher Williams for five years of service to the City of Conway in the Conway Police Department, and Daniel Kennedy for ten years of service to the City of Conway in the

Public Utilities Department.

B. Street Closing Request for Independent Builders Development's Salute to the Independent Business People of America

Chief Gosnell stated that a request for street closures had come before the City for a Labor Day Celebration at the Riverfront Park sponsored by the Independent Builder's Development and the Conway Area Chamber of Commerce. The event will take place on Saturday, September 1st at 6 p.m. The street closure requests are north bond on 2nd Avenue and Laurel Street from 2nd Avenue to the fountain. The Chief stated that his department will work and monitor the event much like the July 4th celebration that is held each year. Tripp Neally stated that proceeds from the vendor entries will benefit the Conway Area Chamber of Commerce and the Horry County Schools' Building Future Builders program. **Motion:** Lawson made a motion, seconded by Koon, to approve the lane closure requests as presented. **Vote:** Unanimous. Motion carried. Mayor Martin stated that Council appreciates the Independent Business People of America's involvement in this and they think it will be a wonderful event for the community.

C. Downtown Artists "Art in the Alley" - Sat., October 6 from 8 a.m. to 5 p.m. - Request to close Norman Alley

City Administrator Bill Graham presented this request on behalf of Eddie Streeter. The downtown artists plan to hold a special event "Art in the Alley" on Saturday, October 6 from 8 a.m. to 5 p.m. They would like permission to close Norman Alley for the event. **Motion:** Koon made a motion, seconded by Timbes, to approve the closing of Norman Alley for this event. **Vote:** Unanimous. Motion carried.

PUBLIC HEARINGS

A. Revenue Bonds by South Carolina Jobs-Economic Development Authority for CCU Student Housing

Attorney Ray Jones addressed Council in this regard. He stated the South Carolina Jobs-Economic Development Authority Act requires that in order to issue bonds of the Authority for student housing, a public hearing must be held before the council of the political subdivision in which the project is located. Also, following the public hearing, the Act requires that the City Council indicate whether they support the project to be financed by the Bonds, and under the Federal Tax Requirements, the City must also give "public approval" to the Bonds. Jones stated the City would have no financial role or input regarding their credit ratings. Jones went on to state that after the public hearing, Council would be asked to approve a resolution of the Mayor's signature. Council asked if the properties discussed would pay taxes. Jones stated that the properties would be owned by Coastal Housing Foundation, LLC and therefore would be exempt.

City Council Minutes
August 27, 2007

B. Revenue Bonds by South Carolina Jobs-Economic Development Authority for Conway Hospital

Attorney Ray Jones also presented this request. He stated that South Carolina Jobs-Economic Development Authority Act requires that in order to issue bonds of the Authority for a hospital, a public hearing must be held before the council of the political subdivision in which the project is located. The Internal Revenue Code of 1986 also contains a similar provision. Following the public hearing, Jones went on to state that Council would be asked to approve a resolution showing they support the project. The main purpose behind this request was for refinancing options, and these Bonds do not represent an indebtedness or a general obligation of any kind for the City of Conway.

C. Year Three CAPER on the HUD Entitlement Grant

Larry Schilling stated that each year the City is required to conduct a public hearing on the accomplishments for the past year on the HUD Entitlement Grant. In regard to rehabilitation of homes, Alford asked if there were any funds left over from this grant. Schilling stated there was approximately \$26,000 left. Schilling has some applicants in hand and is in the process of identifying other projects for the fall; however, the main need is to get information out to the public and get receive qualified applicants.

D. Request to Annex Approximately 13 Acres Located on Cox Ferry Road and Zone the Property Production, Service and Industry at Annexation

This request was withdrawn by the applicant.

V. PUBLIC INPUT

Marshall Biddle, Burroughs Company, regarding Proposal to Split the Existing Waccamaw Rivefront District into Two Different Districts

Biddle spoke in opposition to the proposed split of the existing Waccamaw Riverfront District. He stated that he believed it would be hasty to move forward with having a portion of the riverfront residential only. On behalf of Burroughs Company, he asked Council not to make a decision tonight.

Buck Ricks regarding Proposal to Split the Existing Waccamaw Rivefront District into Two Different Districts

Ricks spoke in opposition to the proposed split of the existing Waccamaw Riverfront District. He stated he would like to see it studied more and believes businesses are needed in the riverfront area.

Buck Ricks, Pet Waste

Ricks demonstrated a device made specifically for disposal of animal waste.

City Council Minutes

August 27, 2007

Jimmy Day, Waccamaw Shrine Club, regarding Proposal to Split the Existing Waccamaw Rivefront District into Two Different Districts

Day stated that he was in favor of the proposed amendment. The Shriners want to sell the Shrine Club and it would be much easier to sell the property as residential without the mandatory commercial/mixed use requirement.

Owners of the Cypress Inn regarding Proposal to Split the Existing Waccamaw Riverfront District into Two Different Districts

The owners of the Cypress Inn stated they were opposed to the split.

Hearing no further input from the public, the Public Input portion of the meeting was closed.

VI. ORDINANCES FOR FINAL READING

A. Ordinance #2007-8-27(A) - Amending the Conway Zoning Ordinance to Split the Existing Waccamaw Riverfront District Into Two Different Districts, Waccamaw Riverfront District - 1 (WRD-1) and Waccamaw Riverfront District - 2 (WRD-2)

Chestnut stated she had received a call from a landowner in the area who requested that Council defer action on this matter for a couple of weeks because they had some questions regarding it.

Motion: Chestnut made a motion, seconded by Alford, to defer final approval to Ordinance #2007-08-27(A). **Discussion:** Anderson addressed the Cypress Inn owners and stated the proposed split would eliminate the opportunity for someone to put a restaurant or a bar right beside their bed and breakfast. Lawson stated that she thought that a peaceful residential type environment would be a good resolution to the problem that Tom just mentioned and this proposed split would have the business portion closer to the City of Conway. Timbes stated she is opposed to the riverfront belonging to a few people. Alford stated that we could allow for certain businesses only to be in the 25% area; some thing that enhances the quality of life but limits what type businesses can go there. Koon stated he couldn't think of any business that could operate down there that would make a profit. He stated we should table it. Mayor Martin stated he thought the top half which would allow commercial was a good mix with the Sidewheeler and houses located nearby. The lower portion would be residential with a bed and breakfast in the mix. He stated he would vote for it but would rather defer it so everyone involved could have input. Lawson stated that there would always be public access in the riverfront area. **Vote:** Unanimous. Motion carried.

B. Ordinance #2007-8-27(B) - Amending the Conway Zoning Ordinance to Create a Special Sign District for the University Commons Commercial Center Located on Highway 501 East

When University Commons was annexed, City Council agreed for the building permits to be issued by the County and their signage was built to County standards. However, the property is

City Council Minutes
August 27, 2007

now in the City, and the signs are non-conforming. In order to ratify what was done and allow additional signage to be added for new tenants, a special sign district is being requested.

Motion: Chestnut made a motion, seconded by Anderson, to approve final reading of Ordinance #2007-8-27(B). **Discussion:** Lawson stated that in the future, this should all go through our

Planning Department not the County's. We make residential home owners do it and she doesn't think it is fair that we allow wealthy landowners to do it. Mayor Martin stated that he doesn't want to be requested to approve signs over 25' tall and won't support it in the future. **Vote:** Unanimous. Motion carried.

C. **Ordinance #2007-8-13(F) - Amending the Code of Ordinances, City of Conway, South Carolina, Article B, Sec. 6-4-22 Pets Running at Large by Amending the Title of Sec. 6.4.22 to read: Pets running at large, Leash required, Removal of excretion from public ways and Adding a subsection c; and Deleting Sec. 6-4-26 Dog License Required and Sec. 6-4-27 Tags to be attached to collar or harness**

Graham stated that the municipalities contacted all have regulations requiring the removal of feces left by an animal on any public property; however, none of the city codes researched established guidelines for the disposal of the feces. Staff asked Council to consider several options. A. Require pet owners to remove animal waste and properly dispose of the waste (the City would not be required to provide bags; this would be the responsibility of the pet owner); B. Require the removal of all feces left by an animal on any public or private property not owned by the pet owner and provide bag dispensers and bags in public areas such as parks/riverwalk area; C. Promote and encourage the voluntary compliance of pet owners to remove animal waste from property other than their own.

Council and staff discussed the various options. **Motion:** Koon made a motion to adopt the ordinance with "C. Promote and encourage the voluntary compliance of pet owners to remove animal waste from property other than their own." **Discussion:** Koon stated we should back off and slow down on this matter and take our time to create something reasonable. Lawson agreed ; however, she thinks people should take care of their animal waste. Voluntary compliance doesn't leave the City with any way to enforce it. She thinks it needs to be enforceable with the City requiring people to clean up after their pets whenever they are on someone's property. **Substitute Motion:** Koon made a substitute motion, seconded by Anderson, to defer this matter until staff can come back with a more agreeable solution to this problem. Anderson stated he would like for the Mayor to appoint a committee to look at this problem and see how we can make it work. **More Discussion:** Imposing fines was discussed. Graham stated that if the ordinance was passed and a fine imposed. the City would get that information out to the public. If the animal control officer witnesses someone walking their dog and not cleaning up after them, they could request that person to do so. If the person ignores the request, then the fine could be imposed. Chestnut stated it was not fair to the Police Department to put this on them. Timbes

City Council Minutes
August 27, 2007

stated that if we make the community aware that they are to clean up behind their animals, they will do it. **Substitute Motion Restated:** Koon again stated his substitute motion to defer this matter until we have time to get more information and review it further make sure it is what we want before we pass it. Mayor Martin stated the proposed ordinance is not clear on the amount

of the fine. He stated we need to be able to tell the public that the first time is a warning, and the second time is a \$25 fine or something along that line. The City could give a warning for the first time and try and work with people on compliance. **Voting in favor of the substitute motion:** Koon, Anderson, Chestnut, Martin. **Voting against the substitute motion:** Alford, Lawson, Timbes. Motion carried.

Lawson stated she would like to have the ordinance state a fine such as 1st - warning 2nd - \$25 fine - and then step up from there. Mayor Martin stated Council will look at this again at an upcoming meeting.

VII. ORDINANCE FOR FIRST READING

A. Ordinance #2007-09-10(A) - Amending the Code of Ordinance, City of Conway, South Carolina, Chapter 4, Article B-Fireworks, Section 7-4-15 by Adding Sub-Sections 9, 10, 11 and 12

Motion: Koon made a motion, seconded by Timbes to approve first reading of Ordinance #2007-09-10(A) by title only. **Discussion:** Lawson stated she was opposed to allowing fireworks only during certain periods. Koon stated he agreed with all four points written and doesn't think we need to get any more specific. Alford stated he thought we should set certain times aside for fireworks and if they are having a wedding or something in a public area they could ask for a permit for fireworks. **Voting in favor of the motion:** Koon, Timbes, Lawson, Anderson, Chestnut. **Voting against the motion:** Alford. Motion carried.

VIII. APPROVAL OF RESOLUTIONS

A. Resolution for the Public Approval of and Expressing Support for the Issuance of Certain Student Housing Revenue bonds by the South Carolina Jobs-Economic Development Authority Relating to the Acquisition of Properties Located in the City of Conway and Other Matters Related Thereto

Motion: Koon made a motion, seconded by Chestnut, to approve the resolution as presented. **Vote:** Unanimous. Motion carried.

B. Resolution In Support of the Issuance by the South Carolina Jobs-Economic Development Authority of its Hospital Revenue Bonds (Conway Hospital, Inc.) Series 2007, Pursuant to the Provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the Aggregate Principal Amount of not Exceeding \$82,200,000

City Council Minutes
August 27, 2007

Motion: Chestnut made a motion, seconded by Koon, to approve the resolution as presented. **Vote:** Unanimous. Motion carried.

IX. ITEMS FOR CONSIDERATION

A. Water and Wastewater Capital Recovery Fees Study

Freddie DuBose, Public Utilities Director, stated that the City Council Capital Improvements Sub-Committee is requesting that City Council approve a proposal by Raftelis Financial Consultants, Inc. to conduct a water and sewer capital recovery fees study for the City of Conway. DuBose stated that Conway's water and sewer capital recovery fees are not in line with most other entities and our charges no longer reflect the true cost of providing additional utility capacity. **Motion:** Lawson made a motion, seconded by Anderson, to approve the request for Raftelis Financial Consultants, Inc. to conduct a water and wastewater capital recovery fees study at a cost not to exceed \$19,500. **Discussion:** The time frame for the study was questioned. DuBose stated sixty (60) days. Mayor Martin stated that he thinks it is important that we look at all cities, not just those with higher fees. **Vote:** Unanimous. Motion carried.

B. Transportation Plan Request for Proposals

Graham stated that during the FY 07-08 budget process, City Council set a goal and made funds available to complete the Transportation Plan for the City of Conway to address transportation needs for the next twenty years. The City Council Sub-Committee to Develop a New Thoroughfare Plan and Beautify and Improve City Thoroughfares met and reviewed a proposal for the Transportation Plan. They requested Council approve the plan to solicit bids for the project. **Motion:** Chestnut made a motion, seconded by Alford, to approve the Request for Proposals for the Transportation Plan as presented. **Discussion:** Alford asked if red lights would be addressed in this plan. Graham stated they would. **Vote:** Unanimous. Motion carried.

C. E.R.I.C.K.A. Request for Funding and Letter of Support

Larry Schilling, Grants Coordinator, stated that the E.R.I.C.K.A. organization had asked City Council for assistance in the program they are conducting in conjunction with the Conway Housing Authority. They do not have a 501 c 3 non-profit status at this time; however, they will be working under the Housing Authority's charter until they obtain that status. **Motion:** Anderson made a motion, seconded by Lawson, to give the organization \$1,500. **Discussion:** It was noted that the City could avoid situations such as this by stating that if the organization is not a non-profit organization, you cannot request funding. There was some concern about contributing to an organization that was just getting started; however, if they do well, they can come back and request more. **Vote:** Unanimous. Motion carried.

D. Scheduling City Elections

Barbara Blain-Olds, Assistant City Administrator, stated that staff had been instructed to research the feasibility of moving City elections from General Election dates to November of odd-

City Council Minutes

August 27, 2007

numbered years. Council and staff discussed the advantages and disadvantages of doing this. Koon stated that he thought it was a good idea. Mayor Martin asked if this would be done by ordinance or by the Justice Department. He noted if we decide to do it, we must do it properly and asked staff to research it carefully. It was also noted that it would be good if all cities would do the same. Mayor Martin stated that he had been opposed to moving the election in the past

because of low turn out; however, he is concerned that the County doesn't want the City to use their machines. He agrees with Irby that this might be the best thing to do. Following further discussion, it was the consensus of Council that the City consider this move very carefully and seriously and have staff research it further.

E. Highway 701 Billboard Relocation

Bill Graham, City Administrator, stated the City had received a request from NextMedia to relocate a billboard on Highway 701 North. The existing billboard has been removed from the site and NextMedia to put it back in a new location on the same lot. The City of Conway Zoning Ordinance prohibits off-premise signage; however, the SC Landowner and Advertising Protection and Property Valuation Act specifically addresses nonconforming billboards by stating that "A local governing body shall not prevent the repositioning of a nonconforming sign on the same parcel of land to facilitate the development of the parcel so long as the repositioning of the sign does not increase the degree of the sign's nonconformity." The billboard sign was supported by eight wooden poles; however, the relocated sign will be mounted on a single metal monopole. A Memorandum of Understanding was developed with the assistance of legal counsel, based on state law and guidance from City Council. The agreement would ensure that a future negotiation for just compensation would only include the value and life of the billboard as of June 1, 2007. Koon asked about the life of a wooden pole. Mayor Martin stated that an agreement with these people needs to state what the useful life of the sign is. Koon stated it needs to state a definite number years. Graham stated that it is not just replacement cost that goes into determining useful life. You have to establish a value or a number of years for the life of the sign, income, etc. It can be somewhat difficult to establish. **Motion:** Anderson made a motion, seconded by Koon, to defer this matter until a later date when we can establish a number of years for the life of the sign **Vote:** Unanimous. Motion carried.

F. Horry County Fire Rescue has Requested Quarters at Fire Station Two to House the Medic Unit that Primarily Responds In and Around the City of Conway

Darrell McDowell, Fire Chief, stated that he was requesting Council consider allowing City staff to work with Horry County staff to develop a proposed agreement for Horry County to provide dispatch communications for Conway Fire and the City of Conway to house Medic 29 at Station Two. McDowell stated that this will in no way handicap or impede Conway's operations. Timbes asked if we need another ambulance in the City of Conway. McDowell stated it would benefit us. Koon stated that when we get with Horry County to draw up the agreement that we

City Council Minutes
August 27, 2007

need to bring it up in discussion and state it as a condition of the agreement that we want Fire Station Three back.

X. CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Graham stated that the City had received notification that the comprehensive annual financial

report (CAFR) for fiscal year ended June 30, 2006 qualified for a Certificate of Achievement for Excellence in Financial Reporting. This Certificate of Achievement is the highest form of recognition in governmental accounting and financial report, and its attainment represents a significant accomplishment by a government and its administration. City Council and staff congratulated Michael Hardee, Finance Director, and his staff for their outstanding work.

XI. GRANTS

A. Forestry Grant

Larry Schilling, Grants Coordinator, requested approval to submit an application for the 2007 Urban and Community Forestry Grant. **Motion:** Koon made a motion, seconded by Anderson, to approve the request as presented. **Vote:** Unanimous. Motion carried.

XII. CONSENT AGENDA

A. City Council Minutes of August 13, 2007

B. Departmental Monthly Reports for July 2007

Motion: Koon made a motion, seconded by Anderson, to approve the consent agenda as presented. **Vote:** Unanimous. Motion carried.

XIII. ADMINISTRATOR'S REPORT

There was no report from the Administrator.

XIV. COUNCIL INPUT

Chestnut had no input.

Timbes stated she would like to thank everyone, including Betty Molnar, Greg Richardson, and the Horry Independent for the Conway Idol Contest. Everyone did a great job. The Beautification Department was also to be commended. The Riverfront Park looked great.

Alford stated he had the contact number for Columbia on their program to help low income residents get a loan with below market rates and a small down payment. He had also heard about "Operation Paint Brush" which is a program to help fix up homes in targeted neighborhoods.

City Council Minutes
August 27, 2007

Koon stated that he had received a call from a citizen on Lakeside Drive who stated we need more police in that area to help with car break-ins. He stated it would be a good idea to place information on the access channel stating that you need to remove all valuables from your car and lock it and to secure their lawnmowers, trailers, etc.

Lawson had no input.

Anderson questioned the recreation department about the football and soccer practice schedules. Anderson stated he would like to accommodate church people on Wednesday night by not having them have to attend practice during church time. David Williams, Assistant Recreation Director, stated that with 450 kids playing football, you have to use Wednesday night for football practice.

Mayor Martin stated that Saturday night was a great success and there was a large crowd. He hopes it will continue to grow.

XV. EXECUTIVE SESSION

Graham stated that two items had come up since the agenda was printed that needed to be discussed in executive session. One was a personnel matter and the other was a contractual matter regarding negotiations of City owned property.

Motion: Chestnut made a motion, seconded by Anderson, to enter into executive session. **Vote:** Unanimous. Motion carried.

Motion: Koon made a motion, seconded by Anderson, to come out of executive session. **Vote:** Unanimous. Motion carried. No action by Council.

XVI. ADJOURNMENT

Motion: Koon made a motion, seconded by Anderson to adjourn. **Vote:** Motion carried.

Minutes approved by City Council this _____ day of _____, 2007.

Lois K. Roberts, Executive Secretary